

1 this --

2 MR. WINSTON: Yes, the ones he has relied on
3 to make --

4 JUDGE LUTON: Has relied on to make his
5 contributions?

6 That doesn't go to a financial issue.
7 Overruled. Please respond.

8 THE WITNESS: Question again, please.

9 BY MR. WINSTON:

10 Q The question is, what has been the -- what
11 had been the sources of the contribution you have made
12 to White Broadcasting Partnership?

13 A Extra money that I've made in commissions,
14 credit card accounts, and a loan.

15 Q Was this loan taken out by you alone?

16 A No.

17 Q Who else was signatory on that loan?

18 THE WITNESS: Objection, Your Honor.

19 JUDGE LUTON: Overruled.

20 THE WITNESS: My wife.

21 BY MR. WINSTON:

22 Q Do you know the sources -- has Mrs. White
23 made any capital contributions to White Broadcasting
24 Partnership?

25 A Yes.

1 Q Do you know the sources of those
2 contributions?

3 A Yes.

4 Q Could you identify the sources of the
5 contributions that she has made?

6 A Same as mine, extra money. I believe --

7 Q Let's take it one step. Extra money? What
8 are you referring to?

9 A Bonus money from work.

10 Q All right, go ahead.

11 A Savings account.

12 Q Excuse me, let's take them one at a time.

13 Savings account? Is this a joint savings
14 account or separate savings account?

15 A This would be money that she put into a
16 savings account that would have been a joint savings
17 account, but it was identified as her money originally.

18 Q And the money originally came from where?

19 A From paychecks and/or bonuses.

20 Q Any other sources?

21 A Just -- I mentioned the loan that she and I
22 took out together, fifty-fifty loan.

23 Q Was that loan taken from an individual?

24 A No, it was not.

25 Q Was that loan taken from an entity that has

1 an interest in any broadcast facilities?

2 A No, it was not.

3 Q To the partnership?

4 A Are we talking about the optional loans, or -

5 -

6 Q Yes. Looking at page -- section 4.04 on page

7 --

8 A Page 6, Exhibit 1?

9 Q Yes. Page 6, Exhibit 1, exactly.

10 A No, I have not.

11 Q Has Mrs. White?

12 A No, she has not.

13 Q Mr. White, you and Mr. Gregory Perich, who

14 has been discussed previously, you are business

15 partners, is that correct?

16 A We were. Well, we still are with the tower.

17 Q You still are partners in the rental tower?

18 A Yes. Fifty-fifty.

19 Q Okay. Is there any anticipation -- you've
20 testified that you are going to cease your employment
21 with Mr. Perich's station.

22 A Yes, sir, as soon as I possibly can.

23 Q Is there going to be any change in your
24 relationship with respect to your rental tower company?

25 A I would like to try to sell my share of the

1 tower. But if not -- that's my intentions right now,
2 to try to sell my share of the tower.

3 Q To Mr. Perich?

4 A If he would like to buy it, fine; if not, to
5 an outside source.

6 Q Is that a partnership, your rental tower
7 company?

8 A It's a corporation.

9 Q Do you have stock for that?

10 A We each own equal shares, yes, sir.

11 Q Are there any restrictions on the sale of
12 that stock?

13 A Pardon?

14 Q Are there any restrictions on the sale of
15 that stock?

16 A Only that we each have first right of
17 refusal, 30 day, 40 day, I'm not exactly sure what it
18 is now.

19 Q Mr. White, previously admitted into evidence
20 is Peaches Exhibit No. 9, which is your list of sources
21 of financing for your proposed station.

22 JUDGE LUTON: It was never admitted, Mr.
23 Winston. You just offered it for identification, along
24 with several others.

25 MR. WINSTON: Oh, they were not moved?

1 JUDGE LUTON: No, they were not.

2 MR. HONIG: I don't have any objection, if
3 you want to move them?

4 MR. WINSTON: Okay, I would like to move each
5 of them, Your Honor. I guess I should take them one at
6 a time?

7 JUDGE LUTON: They're being moved as Peaches
8 Exhibits by Northeast's attorney? You offered them.
9 Do you want them? Why don't you move them, if you want
10 them in?

11 MR. HONIG: I don't have strong feelings
12 either way. I'll move them. I'll move them. They
13 might as well be in the record.

14 Peaches Exhibit 7, 8, 9, 10, 11. I'd like to
15 move all five of them.

16 JUDGE LUTON: Well, Mr. White isn't
17 represented here and so all I'm hearing -- excuse me,
18 you have no objection? All right. But you told me
19 that you don't really care. You had no intention of
20 moving them in the first place and, therefore, I ought
21 to receive them leaves me in a position of wanting
22 desperately to reject them to keep the record from --

23 MR. HONIG: The reason that I would want
24 them, Your Honor --

25 JUDGE LUTON: -- carrying a bunch of

1 meaningless paper --

2 MR. HONIG: Not quite meaningless.

3 The reason I don't feel strongly is because
4 they were all described in the -- in the questions and
5 answers. But it may be that it would be useful to have
6 them just for clarity. In that case, I think we would
7 be better off to have them, on reflection.

8 JUDGE LUTON: You don't object, Mr. White?

9 THE WITNESS: No, sir. It's all part of the
10 record.

11 JUDGE LUTON: All right. I'm going to
12 receive them. Peaches is going to have to come up with
13 8 for me. I didn't get an 8.

14 All right, now they are received and they are
15 received as Peaches' Exhibits 7 through 11.

16 (The documents heretofore
17 marked Peaches Exhibit Nos. 7,
18 8, 9, 10, and 11 for
19 identification were received
20 into evidence.)

21 JUDGE LUTON: Mr. Winston, you may proceed.

22 MR. WINSTON: I'm going to withdraw the
23 question I was going to ask, but I appreciate having
24 them in the record.

25

1 BY MR. WINSTON:

2 Q How many full-time employees did you
3 contemplate having at your station?

4 A Initially?

5 Q When you filed your application?

6 A When we could, possibly six or seven full-
7 time, but not initially. Not for the three month
8 period.

9 Q What did you contemplate for the three month
10 period?

11 A Three full-time disk jockeys.

12 Q Is that reflected on Exhibit 7, Peaches
13 Exhibit 7?

14 A I believe so, yes, sir.

15 Q Tell me if I'm reading this correctly. It
16 looks to be one GM/sales manager, one
17 secretary/bookkeeper, three jocks full time. It looks
18 like five persons listed there. Am I reading that
19 incorrectly?

20 A No, that would be right.

21 Q But this was not going to be your three-month
22 proposal, then? This was your subsequent to three-
23 month --

24 A No, this was our three month proposal.

25 Q So, at that time you had --

1 A There would be myself, my wife and possibly
2 three jocks full time, which would have meant five.

3 Q Now, at your deposition you testified that
4 you were proposing three full-time employees, is that
5 correct?

6 A I think I probably did, but I don't believe I
7 had this in front of me to clear my memory.

8 Q So it's your testimony now that you were
9 going to propose five full-time employees from the
10 beginning?

11 A Well, I think we put it in the three-month
12 budget. If we needed three full-time jocks at the
13 time, a total of five full-time people, that we could
14 possibly go ahead and do it.

15 Our intention was always to have a small
16 start-up and ramp up, as it were.

17 Q Were the costs that came off the -- the
18 projected costs for the first three months of operation
19 that you developed using Peaches Exhibit 7, did the
20 bottom line number there go into the Peaches Exhibit 8,
21 which was the summary of the cost estimates?

22 A Yes.

23 Q Those two documents are related in that
24 respect?

25 A Yes, they go hand-in-hand.

1 JUDGE LUTON: Mr. Halagao, do you have any
2 questions?

3 MR. HALAGAO: No, Your Honor.

4 JUDGE LUTON: That will do it for you, Mr.
5 White.

6 (Witness excused.)

7 JUDGE LUTON: Continue.

8 Good afternoon. Would you raise your right
9 hand, please.
10 Whereupon,

11 DIANNA MAE WHITE
12 was called as a witness, and having been first duly
13 sworn, was examined and testified as follows:

14 JUDGE LUTON: Please be seated.

15 Now, if you would state your name and
16 address, we'll get started.

17 THE WITNESS: My name is Dianna Mae White.
18 My address is 707 Newport Street, MacClenny, Florida,
19 32063.

20 CROSS EXAMINATION

21 BY MR. HONIG:

22 Q Mrs. White, good afternoon.

23 A Good afternoon.

24 Q I'm David Honig from Peaches Broadcasting,
25 Limited.

1 Could I ask Mr. White if he might put your
2 direct case before you.

3 Now, Mrs. White, would you turn to White
4 Exhibit 3, page 4, please.

5 A I have it.

6 Q There, in paragraph eight, you will note two
7 items which remain in the record. One is -- the first
8 one is Jacksonville Chamber of Commerce.

9 A Yes.

10 Q Now, when did you join the Jacksonville
11 Chamber of Commerce?

12 A I believe it was January of 1990.

13 Q And, do you have any involvement, other than
14 attending meetings?

15 A No, that's all.

16 Q And, how many meetings have you attended
17 since you joined?

18 A Approximately six.

19 Q And, your membership is on behalf of yourself
20 as an individual or on behalf of your job?

21 A Myself.

22 Q Now, those meetings are one or two hours in
23 length, isn't that right?

24 A That's correct.

25 Q Now, the next item is Committee of 100.

1 That's part of the Jacksonville Chamber, is it not?

2 A Yes, it is.

3 Q And, you joined that in January 1990, is that
4 right?

5 A That's correct.

6 Q And, other than attending meetings, you have
7 no role in Committee of 100?

8 A That's correct.

9 Q And, are those the same six or so meetings
10 that you attended with the Chamber?

11 A Yes.

12 Q So, it's really, essentially, the same
13 organization?

14 A Right.

15 Q Okay. Now, was a substantial part of your
16 motivation for joining those organizations the fact
17 that you were involved in this case and wanted to
18 enhance your comparative status in the case?

19 A That was one of the reasons, yes.

20 Q Okay. Now, let me next place before you a
21 document that has been exchanged previously during Mr.
22 White's testimony. It is Peaches Exhibit No. 7.

23 Maybe, Mr. White, if I could indulge your
24 assistance.

25 This has been admitted into evidence already.

1 And, this is your handwriting, is it not?

2 A Yes, it is.

3 Q And, when was this prepared?

4 A Latter part of '89 or early part of -- latter
5 part of November or really part of December of 1989.

6 Q Before or after the application was filed?

7 A Before.

8 Q Now, could I direct your attention
9 specifically to the items under salaries?

10 A Okay.

11 Q Now, was it -- were you involved in the
12 decision to have this particular aggregation of staff?

13 A Was I involved? Yes.

14 Q That was partly your decision?

15 A Right.

16 Q Now, the reference to GSM, did you have an
17 understanding as to what that was?

18 A I know GM is general manager.

19 Q And SM refers to?

20 A I'm not sure.

21 Q Okay. And, does it refresh your memory that
22 right underneath that there is a 1 SM and then that's
23 crossed off and appears to have been written after GM?

24 A No, it doesn't.

25 Q Then there is 1 Setp. Bookkeeper. Is that

1 secretary/bookkeeper?

2 A Yes, it is.

3 Q Now, was that yourself?

4 A Yes.

5 Q And then there are three jocks full-time?

6 A Yes.

7 Q Four jocks part-time?

8 A Right.

9 Q An engineer part-time?

10 A Right.

11 Q And, there were no plans at that time to have
12 other staff, is that right?

13 A That's correct.

14 Q Now, how many of these people was it your
15 intention that would be working in the first -- right
16 when the station signed on, the first three months?

17 A It would be -- a total would be three full-
18 time and two part-time.

19 Q Three full-time?

20 A Um-hum.

21 Q And two part-time?

22 A Right.

23 Q And, the three full-time would have been
24 which positions?

25 A Would have been the general manager, the

1 secretary/bookkeeper, which actually that should have
2 been expanded I believe. It should have also been
3 program director, which is what I also am. And then,
4 one full-time jock and two part-time jocks.

5 Q Why didn't it say program director?

6 A I don't know. It was vast -- I guess when we
7 wrote them down, secretary/bookkeeper was the first
8 thing that came to my mind. I wrote it down and we did
9 not expand on it, knowing all along that I was also the
10 program director.

11 Q Now, you say, knowing all along. Didn't
12 there come a time when you filed an integration
13 statement with the -- and that was initially filed on
14 April 20, 1990, a few months after you filed the
15 application.

16 A I believe so.

17 Q Do you remember it?

18 A Yes, I do.

19 Q Do you need to see it?

20 A I don't think so. It depends on what you are
21 going to ask me.

22 Q Okay. Now, in that integration statement,
23 that was the first time you told the Commission that
24 you would be operations manager and program director,
25 it says here, isn't that right?

1 A Right.

2 Q Now, you, at that time, were intending to be
3 both operations manager and program director, is that
4 right?

5 A That's correct.

6 Q Was there a change in your plans where you
7 would no longer be operations manager?

8 A No.

9 Q Is it your intention still to be operations
10 manager?

11 A Yes, it is.

12 Q Now, in the October 19 -- I'm sorry. Forgive
13 me -- April 20, 1990 Integration Statement it states
14 that, as operations manager you will be responsible for
15 supervision of all day-to-day station operations and
16 all station staff, including all remote broadcast
17 operations and will supervise traffic and bookkeeping.

18 Is that still your intention?

19 A Yes, it is.

20 Q Excuse me, just one second.

21 What did you contemplate when the budget was
22 written that the duties of this secretary/bookkeeper
23 would be?

24 A Initially?

25 Q Yes.

1 A Bookkeeping.

2 Q Okay. Now, is that in any way similar to
3 what you do in your job for Ranger Transportation?

4 A It's really nothing like what I do on my job
5 right now.

6 Q You have a professional position at Ranger?

7 A Yes, I do.

8 Q Now, will there come a time when the station
9 would employ more than the three full-time and the two
10 part-time people?

11 A Yes.

12 Q And, when is that?

13 A I'm not sure at this point. It will be as
14 soon as the station can afford additional help.

15 Q Now, did you prepare the equal employment
16 opportunity program associated with the application?

17 A Yes.

18 Q And you were proposed to be the person
19 responsible for implementing that program, isn't that
20 right?

21 A That's correct.

22 Q Now, in that program, and I'm referring to
23 Form 396A, page 2, filed as part of your application,
24 the reference to name/title was Dianna White, general
25 partner. Now, is it fair to say that at that time then

1 you were putting down general partner because it wasn't
2 clear what your specific job title would actually be?

3 A I don't think that's fair to say, no.

4 Q When did you -- well, no. Strike that.

5 Are you going to be on the air?

6 A I do not plan on it. I can.

7 Q Are you going to cut commercials?

8 A More than likely, yes.

9 Q Are you going to do public affairs programs?

10 A Yes.

11 Q Yourself, personally.

12 A Yes.

13 Q Are you going to decide upon the format for
14 the station?

15 A I'm going to help in deciding that, yes.

16 Q It's not been decided on, yet, is it?"

17 A No, it is not.

18 Q Are you going to broadcast the news,
19 yourself, personally?

20 A I don't plan on doing that, but I can.

21 Q Or gather the news?

22 A I'm sorry?

23 Q Or gather the news?

24 A Gather the news? No.

25 MR. HONIG: Excuse me just one second,

1 please, Your Honor.

2 I have no further questions.

3 JUDGE LUTON: All right.

4 Mr. Winston?

5 CROSS EXAMINATION

6 BY MR. WINSTON:

7 Q Mrs. White, returning back to Peaches Exhibit
8 No. 7, the cost estimate that this -- the person
9 working for the station. You listed -- you said that
10 the secretary/bookkeeper position was what you
11 originally contemplated for yourself.

12 This is your handwriting, right?

13 A Right.

14 Q Subsequently you decided to become operations
15 manager and program director, is that correct?

16 A That's correct.

17 Q Prior to making the decision to become
18 operations manager and program director, did you
19 consult with counsel concerning that?

20 A It was always decided that I was going to be
21 that. But at the time that this was written, it -- we
22 did not expand and go on over and say operations
23 manager and also program director.

24 Q Okay. When you say it was always decided,
25 you mean at the time you wrote this page, this lists

1 you as secretary/bookkeeper, at that time you had
2 already decided you were going to be operations manager
3 and program director?

4 A That's correct.

5 Q Can you explain why you did not list either
6 of those activities for yourself on this page?

7 A No, I cannot.

8 Q And, it's not your testimony -- it's your
9 testimony that you did not subsequently change your
10 position as a result of consultation with counsel?

11 A That's correct.

12 Q Is it your intention now that you will be
13 operations manager, program director, secretary and
14 bookkeeper?

15 A That's correct.

16 Q You have all four of those positions?

17 A That's correct.

18 Q How much time will you spend each week
19 serving as secretary?

20 A Probably 15 -- 15 hours.

21 Q How much time each week will you spend
22 serving as bookkeeper?

23 A Probably 15 to 20 hours.

24 Q How much time will you spend each week
25 serving as operations manager?

1 A Probably 20.

2 Q How much time each week will you serve --
3 spend serving as program director?

4 A 15 to 20.

5 Q Okay. If I total up the numbers that you've
6 just given me, then it's your testimony that you
7 anticipate that you may spend 15 hours as secretary, 20
8 hours as bookkeeper -- up to 20 hours as bookkeeper, up
9 to 20 hours as operations manager, and up to 20 hours
10 as program director, for a total of 75 hours a week.
11 Is that your testimony?

12 A That's my testimony.

13 Q Do you have Peaches Exhibit No. 10 in front
14 of you, Community State Bank of Stark letter?

15 A No, I do not.

16 Q No. 10 and No. 11, Peaches number 11 also, if
17 you could put those in front of her.

18 A Okay.

19 Q Looking first at Peaches No. 10, a letter
20 from Community State Bank of Stark. Did you have any
21 involvement in obtaining that letter?

22 A No, I did not.

23 Q Looking next at Peaches No. 11, the letter
24 from Citizens Bank from MacClenny. Did you have any
25 involvement in obtaining that letter?

1 A Yes, I did.

2 Q What was your involvement?

3 A Charley and I went to see John Kennedy
4 together to obtain the letter.

5 Q Did you personally take any documents with
6 you in connection with this?

7 A No, I did not.

8 Q Do you know if Mr. White took any letters --
9 any documents with him?

10 A I do not believe he did, no.

11 Q And, your involvement was you went to meet
12 with Mr. Kennedy, is that correct?

13 A That's correct.

14 Q And, did you speak with Mr. Kennedy also?

15 A Yes, I did.

16 Q Do you recall what you personally said to Mr.
17 Kennedy in connection with this letter?

18 A Personally, in connection with the letter?
19 No, I can't.

20 Q Do you remember the nature of the
21 conversation at all between yourself, your husband and
22 Mr. Kennedy?

23 A Yes, we went in and we said, hello, sat down,
24 we explained to him --

25 JUDGE LUTON: That's enough. I'm going to

1 end that. I don't see that it's relevant to any issue
2 we've got in the case, nor do I see that it's relevant
3 whether or not the witness took any documents with her
4 when she visited the banker or whether she noticed
5 whether her husband took any documents with him.

6 As a matter of fact, I want both Peaches and
7 Northeast to explain to me, make a statement for the
8 record, of precisely the purpose for which they believe
9 that Peaches Exhibits 7 through 11 ought to be included
10 in this record.

11 I'm not willing to have something accompany
12 the record for whatever damage it may ultimately do or
13 it's receipt for whatever good it might do. I don't
14 receive materials that way and I'm feeling
15 progressively more uneasy about having these materials
16 in the record. I can imagine them leading to all kinds
17 of irrelevant argument and stuff.

18 So, since it's Peaches' offering, I'm going
19 to ask Peaches again -- I believe you did it already,
20 Mr. Honig. You weren't particularly enthusiastic about
21 having this come in, but now that it's in, I want it
22 limited in some way. Namely, to the purposes for which
23 you conducted your examination of Mr. White with
24 respect to these materials.

25 MR. HONIG: I have to get all of them before

1 me.

2 MR. WINSTON: Which exhibit are you asking --

3 JUDGE LUTON: 7 through 11.

4 MR. WINSTON: 7 through 11? All of them.

5 MR. HONIG: 7 and 8 are budgets and the
6 examination of Mr. White concerned and I'm -- on 7 and
7 8 in the examination of this witness -- on 7 concerned
8 the question of who, that's between the two principals,
9 was responsible for which tasks in preparation of the
10 application.

11 JUDGE LUTON: All right, that's legitimate,
12 and they are received for that purpose.

13 MR. HONIG: And, also, 7 I was concerned over
14 what particular function each of the two applicants
15 would have at the station.

16 JUDGE LUTON: 7 is received for that purpose.
17 That's legitimate also.

18 MR. HONIG: 9 is part of the application and
19 was again going into who was responsible for developing
20 the plans which were part of the application.

21 JUDGE LUTON: All right, 9 is received for
22 that purpose.

23 MR. HONIG: 10 and 11 were offered, first,
24 because it was unclear -- the letters are addressed
25 both to Mr. and Mrs. White -- the role of one, as

1 opposed to the other, in the development of these
2 letters and the negotiation of the terms of the letters
3 and their understanding of the terms and what the --
4 and their obligations under the letters.

5 JUDGE LUTON: I have some doubt about that
6 one. State that again for me. 11 is offered for what
7 purpose, now?

8 MR. HONIG: First, the same reason as the
9 others. That is, which of the two was involved in the
10 preparation of the application.

11 JUDGE LUTON: All right. 11 is received for
12 that purpose, so far. Go ahead.

13 MR. HONIG: What the obligations and
14 specifically I'm speaking to 10 which -- where there
15 were questions about personal guaranteeing the
16 obligation on commitments of the applicants to the
17 application -- the two principals, I'm sorry.

18 JUDGE LUTON: The commitments to the
19 application?

20 MR. HONIG: In that there is a reference to
21 personal guarantees and I had asked them questions
22 about who was -- who had intended to do this. But I
23 think that goes to who -- who is responsible for which
24 task.

25 JUDGE LUTON: I'm not going to receive 11 --

1 10 or 11 for that purpose.

2 MR. HONIG: Okay.

3 JUDGE LUTON: That's all we had, Mr. Honig.

4 MR. HONIG: I think that's all that I asked.
5 I'm going to try and remember.

6 I'll rest on that.

7 JUDGE LUTON: All right, I think that's fair
8 enough.

9 Now, you may continue with your examination,
10 Mr. Winston, keeping in mind the purpose for which
11 these letters are admitted. The transcript is going to
12 reflect our little discussion here, and had that been
13 clear before you asked such questions as, did you take
14 any documents with you? Do you know whether your
15 husband took any documents with him when you visited
16 the banker? I would have objected myself.

17 MR. WINSTON: So noted, Your Honor.

18 BY MR. WINSTON:

19 Q Let me turn your attention to White Exhibit
20 1, your general partnership agreement, upper right-hand
21 corner. The pages are identified by Exhibit No.
22 Looking at Exhibit 1, page 5, section 4.01.

23 Mrs. White have you made any capital
24 contributions to White Broadcasting Partnership?

25 A Yes.